

The opinion in support of the decision being entered today was not written for publication in a law journal and is not binding precedent of the Board.

Paper No. 36

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JUL 31 2003
PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte TIMOTHY L. HOOPMAN and NELSON D. SEWALL

Appeal No. 2003-1578
Application 09/520,032

ORDER DISMISSING APPEAL

Before STONER, Chief Administrative Patent Judge, HARKCOM, Vice Chief Administrative Patent Judge, and WILLIAM F. SMITH, Administrative Patent Judge.

Per curiam.

On July 1, 2003, counsel for the appellants filed, among other documents, a Request for Continued Examination (RCE) under 37 CFR § 1.114. Pursuant to the notice entitled "Request for Continued Examination Practice and Changes to Provisional Application Practice," 65 Fed. Reg. 50092, 50095 (Aug. 16, 2000), and the provisions of 37 CFR § 1.114(d), a request for continued examination under 37 CFR § 1.114 filed after appeal has been taken, but prior to a decision on the appeal, "will be treated as a request to withdraw the appeal and to reopen prosecution of the application before the examiner."

Appeal No. 2003-1578
Application 09/520,032

Accordingly, the appeal in this application is dismissed.

The application is being returned to the examiner for further action as may be appropriate.


BRUCE H. STONER, JR. Chief
Administrative Patent Judge


GARY V. HARKCOM, Vice Chief
Administrative Patent Judge


WILLIAM F. SMITH
Administrative Patent Judge

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